REMARKS

Applicants respectfully request entry of the following amendments and remarks in response to the Office Action mailed January 2, 2008. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 20 are pending. In particular, Applicants amend claims 1 – 20. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I.   Claim Objections

The Office Action indicates that claims 9 – 14 are objected to for alleged failure to include positive limitations. Applicants amend claims 9 – 14, as indicated above. Applicants submit that these amendments overcome this objection and that claims 9 – 14, as amended, are in condition for allowance.

II.   Rejections Under 35 U.S.C. §112

The Office Action indicates that an unspecified number of claims stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection. More specifically, on page 18, line 17, the present application describes "a process for segregating spam and non-spam on the basis of phonetic equivalents of words in an email message" according to FIGS. 8A and 8B. Applicants respectfully submit that this description adequately describes the term "phonetic equivalents" according to 35 U.S.C. §112.

III.   Rejections Under 35 U.S.C. §101

The Office Action indicates that claims 9 – 20 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants amend claims 9 – 20, as indicated above, and submit that claims 9 – 20, as amended, meet all the requirements of 35 U.S.C. §101.

IV.   Rejections Under 35 U.S.C. §103

A.   Claim 1 is Allowable Over *Horvitz* in view of *Addison*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,161,130 ("*Horvitz*") in view of U.S. Publication Number 2003/0144842 ("*Addison*"). Applicants respectfully traverse this rejection for at least the reason that *Horvitz* in view of *Addison* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

> A method comprising:
> receiving an email message having a word;
> ***generating a phonetic equivalent of the word from the email message***;
> tokenizing the phonetic equivalent of the word to generate a token representative of the phonetic equivalent;
> determining a spam probability from the generated token;
> in response to determining the spam probability from the generated token, assigning whether the token exists in a database of tokens;
> in response to determining that the token exists in the database of tokens, updating a probability value of the token; and
> in response to determining that the token does not exist in the database of tokens, assigning a probability value indicative of spam to the token.
> ***(emphasis added)***

Applicants respectfully submit that claim 1, as amended, is allowable over the cited art for at least the reason that neither *Horvitz* nor *Addison*, alone or in combination, discloses, teaches, or suggests a "method comprising... ***generating a phonetic equivalent of the word from the email message***" as recited in claim 1, as amended. More specifically, the Office

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Action admits *Horvitz* "does not explicitly disclose generating a phonetic equivalent of the word" (OA page 4, last paragraph).

Additionally, *Addison* fails to overcome the deficiencies of *Horvitz*. More specifically, *Addison* discloses a "set of phrase parsing rules [that] are used to generate marked up text. The marked up text is then phonetically parsed using phonetic parsing rules and Lessac expressive parsing rules" (page 2, paragraph [0011]). However, nowhere does *Addison* disclose anything associated with an email message. For at least this reason, *Addison* cannot even suggest "**generating a phonetic equivalent of the word from the email message**" as recited in claim 1, as amended. For at least this reason, claim 1, as amended, is allowable.

Similarly, Applicants submit that the combination of *Horvitz* and *Addison* is improper to reject claim 1, as amended. More specifically, "[o]n the issue of obviousness, the combined teachings of the prior art **as a whole** must be considered." EWP.Corp. v. Reliance Universal Inc., 755 F.2d 898, 225 U.S.P.Q. 20, 25 Fed Cir. 1985). Applicants respectfully submit that *Addison* discloses a "method for converting text to speech…" (page 2, paragraph [0012]). Similarly, *Horvitz* discloses "through a probabilistic classifier (370) and, for a given recipient, detect[ing] electronic mail (e-mail) messages, in an incoming message stream, which that recipient is likely to consider 'junk'" (Abstract). Applicants respectfully submit that this combination of references, taken **as a whole**, appears to disclose detecting emails messages that are likely considered "junk" and converting those messages from a text format to an audio format. Consequently, claim 1, as amended cannot be considered obvious in view of any combination that includes *Horvitz* and *Addison*. For at least these reasons, claim 1, as amended, is allowable.

B.   Claim 8 is Allowable Over *Horvitz* in view of *Addison*

The Office Action indicates that claim 8 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,161,130 ("*Horvitz*") in view of U.S.

Publication Number 2003/0144842 ("*Addison*"). Applicants respectfully traverse this rejection

for at least the reason that *Horvitz* in view of *Addison* fails to disclose, teach, or suggest all of

the elements of claim 8. More specifically, claim 8 recites:

> A system comprising:
> means for receiving an email message having a word;
> **means for generating a phonetic equivalent of the word from the email message**;
> means for tokenizing the phonetic equivalent of the word to generate a token representative of the phonetic equivalent; and
> means for determining a spam probability from the generated token.
>
> **(emphasis added)**

Applicants respectfully submit that claim 8, as amended, is allowable over the cited art

for at least the reason that neither *Horvitz* nor *Addison*, alone or in combination, discloses,

teaches, or suggests a "system comprising... **means for generating a phonetic equivalent of**

the word from the email message" as recited in claim 8, as amended. More specifically, the

Office Action admits *Horvitz* "does not explicitly disclose generating a phonetic equivalent of the

word" (OA page 4, last paragraph).

Additionally, *Addison* fails to overcome the deficiencies of *Horvitz*. More specifically,

Addison discloses a "set of phrase parsing rules [that] are used to generate marked up text.

The marked up text is then phonetically parsed using phonetic parsing rules and Lessac

expressive parsing rules" (page 2, paragraph [0011]). However, nowhere does *Addison*

disclose anything associated with an email message. For at least this reason, *Addison* cannot

even suggest "**means for generating a phonetic equivalent of the word from the email**

message" as recited in claim 8, as amended. For at least this reason, claim 8, as amended, is

allowable.

Similarly, Applicants submit that the combination of *Horvitz* and *Addison* is improper to

reject claim 8, as amended. More specifically, "[o]n the issue of obviousness, the combined

teachings of the prior art *as a whole* must be considered." EWP.Corp. v. Reliance Universal

Inc., 755 F.2d 898, 225 U.S.P.Q. 20, 25 Fed Cir. 1985). Applicants respectfully submit that

Addison discloses a "method for converting text to speech..." (page 2, paragraph [0012]). Similarly, *Horvitz* discloses "through a probabilistic classifier (370) and, for a given recipient, detect[ing] electronic mail (e-mail) messages, in an incoming message stream, which that recipient is likely to consider 'junk'" (Abstract). Applicants respectfully submit that this combination of references, taken *as a whole*, appears to disclose detecting emails messages that are likely considered "junk" and converting those messages from a text format to an audio format. Consequently, claim 8, as amended cannot be considered obvious in view of any combination that includes *Horvitz* and *Addison*. For at least these reasons, claim 8, as amended, is allowable.

C. Claim 9 is Allowable Over *Horvitz* in view of *Addison*

The Office Action indicates that claim 9 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,161,130 ("*Horvitz*") in view of U.S. Publication Number 2003/0144842 ("*Addison*"). Applicants respectfully traverse this rejection for at least the reason that *Horvitz* in view of *Addison* fails to disclose, teach, or suggest all of the elements of claim 9. More specifically, claim 9 recites:

> A system comprising:
> a processor; and
> a memory, the memory storing:
> receive logic configured to receive an email message having a word;
> ***phonetic logic configured to generate a phonetic equivalent of the word from the email message***;
> tokenize logic configured to tokenize the phonetic equivalent of the word to generate a token representative of the phonetic equivalent; and
> spam-determination logic configured to determine a spam probability from the generated token.
> *(emphasis added)*

Applicants respectfully submit that claim 9, as amended, is allowable over the cited art for at least the reason that neither *Horvitz* nor *Addison*, alone or in combination, discloses, teaches, or suggests a "system comprising... ***phonetic logic configured to generate a***

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phonetic equivalent of the word from the email message" as recited in claim 9, as amended. More specifically, the Office Action admits *Horvitz* "does not explicitly disclose generating a phonetic equivalent of the word" (OA page 4, last paragraph).

Additionally, *Addison* fails to overcome the deficiencies of *Horvitz*. More specifically, *Addison* discloses a "set of phrase parsing rules [that] are used to generate marked up text. The marked up text is then phonetically parsed using phonetic parsing rules and Lessac expressive parsing rules" (page 2, paragraph [0011]). However, nowhere does *Addison* disclose anything associated with an email message. For at least this reason, *Addison* cannot even suggest "***phonetic logic configured to generate a phonetic equivalent of the word from the email message***" as recited in claim 9, as amended. For at least this reason, claim 9, as amended, is allowable.

Similarly, Applicants submit that the combination of *Horvitz* and *Addison* is improper to reject claim 9, as amended. More specifically, "[o]n the issue of obviousness, the combined teachings of the prior art ***as a whole*** must be considered." EWP.Corp. v. Reliance Universal Inc., 755 F.2d 898, 225 U.S.P.Q. 20, 25 Fed Cir. 1985). Applicants respectfully submit that *Addison* discloses a "method for converting text to speech…" (page 2, paragraph [0012]). Similarly, *Horvitz* discloses "through a probabilistic classifier (370) and, for a given recipient, detect[ing] electronic mail (e-mail) messages, in an incoming message stream, which that recipient is likely to consider 'junk'" (Abstract). Applicants respectfully submit that this combination of references, taken ***as a whole***, appears to disclose detecting emails messages that are likely considered "junk" and converting those messages from a text format to an audio format. Consequently, claim 9, as amended cannot be considered obvious in view of any combination that includes *Horvitz* and *Addison*. For at least these reasons, claim 9, as amended, is allowable.

D.   **Claim 15 is Allowable Over *Horvitz* in view of *Addison***

The Office Action indicates that claim 15 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,161,130 ("*Horvitz*") in view of U.S. Publication Number 2003/0144842 ("*Addison*"). Applicants respectfully traverse this rejection for at least the reason that *Horvitz* in view of *Addison* fails to disclose, teach, or suggest all of the elements of claim 15. More specifically, claim 15 recites:

> A computer-readable medium comprising:
> a processor; and
> a memory, the memory storing:
>> computer-readable code adapted to instruct a
> programmable device to receive an email message having a word;
>> ***computer-readable code adapted to instruct a***
> ***programmable device to generate a phonetic equivalent of the word***
> ***from the email message***;
>> computer-readable code adapted to instruct a
> programmable device to tokenize the phonetic equivalent of the word to
> generate a token representative of the phonetic equivalent; and
>> computer-readable code adapted to instruct a
> programmable device to determine a spam probability from the generated
> token.
> ***(emphasis added)***

Applicants respectfully submit that claim 15, as amended, is allowable over the cited art for at least the reason that neither *Horvitz* nor *Addison*, alone or in combination, discloses, teaches, or suggests a "computer-readable medium comprising… a memory, the memory storing… ***computer-readable code adapted to instruct a programmable device to generate a phonetic equivalent of the word from the email message***" as recited in claim 15, as amended. More specifically, the Office Action admits *Horvitz* "does not explicitly disclose generating a phonetic equivalent of the word" (OA page 4, last paragraph).

Additionally, *Addison* fails to overcome the deficiencies of *Horvitz*. More specifically, *Addison* discloses a "set of phrase parsing rules [that] are used to generate marked up text. The marked up text is then phonetically parsed using phonetic parsing rules and Lessac expressive parsing rules" (page 2, paragraph [0011]). However, nowhere does *Addison* disclose anything associated with an email message. For at least this reason, *Addison* cannot even suggest "***computer-readable code adapted to instruct a programmable device to***

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generate a phonetic equivalent of the word from the email message" as recited in claim 15, as amended. For at least this reason, claim 15, as amended, is allowable.

Similarly, Applicants submit that the combination of *Horvitz* and *Addison* is improper to reject claim 15, as amended. More specifically, "[o]n the issue of obviousness, the combined teachings of the prior art *as a whole* must be considered." EWP.Corp. v. Reliance Universal Inc., 755 F.2d 898, 225 U.S.P.Q. 20, 25 Fed Cir. 1985). Applicants respectfully submit that *Addison* discloses a "method for converting text to speech…" (page 2, paragraph [0012]). Similarly, *Horvitz* discloses "through a probabilistic classifier (370) and, for a given recipient, detect[ing] electronic mail (e-mail) messages, in an incoming message stream, which that recipient is likely to consider 'junk'" (Abstract). Applicants respectfully submit that this combination of references, taken *as a whole*, appears to disclose detecting emails messages that are likely considered "junk" and converting those messages from a text format to an audio format. Consequently, claim 15, as amended cannot be considered obvious in view of any combination that includes *Horvitz* and *Addison*. For at least these reasons, claim 15, as amended, is allowable.

E. Claims 4 – 7 and 11 – 14 are Allowable Over *Horvitz* in view of *Addison*

The Office Action indicates that claims 4 – 7 and 11 – 14 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,161,130 ("*Horvitz*") in view of U.S. Publication Number 2003/0144842 ("*Addison*"). Applicants respectfully traverse this rejection for at least the reason that *Horvitz* in view of *Addison* fails to disclose, teach, or suggest all of the elements of claims 4 – 7 and 11 – 14. More specifically, dependent claims 4 – 7 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Further, dependent claims 11 – 14 are believed to be allowable for at least the reason that they depend from and include the elements of

allowable independent claim 9. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

F.   Claims 2 – 3, 10, and 16 are Allowable Over *Horvitz* in view of *Addison* and in further view of *Sahami*

The Office Action indicates that claims 2 – 3, 10, and 16 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,161,130 ("*Horvitz*") in view of U.S. Publication Number 2003/0144842 ("*Addison*") and in further view of Non Patent Literature entitled "A Bayesian approach to Filtering Junk E-mail," ("*Sahami*"). Applicants respectfully traverse this rejection for at least the reason that *Horvitz* in view of *Addison* and in further view of *Sahami* fails to disclose, teach, or suggest all of the elements of claims 2 – 3, 10, and 16. More specifically, dependent claims 2 – 3 are believed to be allowable over *Horvitz* and *Addison* for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Dependent claim 10 is believed to be allowable over *Horvitz* and *Addison* for at least the reason that it depends from and includes the elements of allowable independent claim 9. Further, dependent claim 16 is believed to be allowable over *Horvitz* and *Addison* for at least the reason that it depends from and includes the elements of allowable independent claim 15. Because *Sahami* fails to overcome the deficiencies of *Horvitz* and *Addison*, claims 2 – 3, 10, and 16 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

_____/afb/_____
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